

### **REMARKS**

The Office Action dated September 18, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-9, 11-16, and 21-22 are currently pending in the application of which claims 1, 12-16, and 21 are independent claims. Claims 11-13 have been amended, and claims 21-22 have been added, to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Claims 10 and 17-20 have been cancelled without prejudice or disclaimer.

Claims 1-9, 14-16, and 20 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Stadelmann, et al. (U.S. Publication No. 2005/0177733) ("Stadelmann"). This rejection is respectfully traversed.

Stadelmann is not proper prior art. Stadelmann is a national stage application of PCT/CH02/00452. Although the PCT filing date can sometimes be used to establish an earlier filing date for prior art under 35 U.S.C. 102(e), it is necessary that the PCT application designate the U.S. and be published in English. PCT/CH02/00452 was published in German rather than English. Thus, Stadelmann is prior art only as of its actual publication date (August 11, 2005), which is after the filing date of the present application (December 11, 2003). The rejection cannot stand without Stadelmann. Thus, it is respectfully requested that the rejection be withdrawn.

Claims 10, 11, and 17-19 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Jawanda (U.S. Patent No. 6,243,581) (“Jawanda”). Claims 10 and 17-19 have been cancelled without prejudice or disclaimer. Claim 11 has been amended to depend from claim 12, which (as the Office Action acknowledged) is not anticipated by Jawanda. Thus, it is respectfully requested that the rejection be withdrawn as moot.

Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Jawanda in view of Stadelmann. This rejection is respectfully traversed.

As noted above, Stadelmann is not proper prior art. The rejection cannot stand without Stadelmann. It is, therefore, respectfully requested that the rejection of claims 12-13 be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 1-9, 11-16, and 21-22 recites subject matter that is neither disclosed nor suggested in the prior art of record. It is, therefore, respectfully requested that all of claims 1-9, 11-16, and 21-22 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants’ undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Flanagan", written over a horizontal line.

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